

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

IN THE MATTER OF:

CASE NO.:

**JOSEPH E. DENNING
BARBARA W. DENNING
Debtors**

**10-10433-8-JRL
CHAPTER 11**

**NOTICE OF PROPOSED PUBLIC SALE,
NOTICE OF COMPENSATION OF AUCTIONEER**

**TO: ALL CREDITORS, INDENTURE TRUSTEES AND COMMITTEES APPOINTED OR
ELECTED IN THIS CASE ACCORDING TO LAW**

NOTICE IS HEREBY GIVEN that in accordance with Rule 6007 of the Bankruptcy Rules, the Trustee proposes to sell at public auction the property described below at the date, time and place and in the manner hereinafter set out:

SALE DATE & TIME: October 20, 2011 at 10:00 a.m.

DESCRIPTION: Attached hereto as Exhibit A

SALE LOCATION: On the premises.

FURTHER NOTICE IS GIVEN that simultaneously with the filing of this notice, the Trustee has filed an application with the Court to approve the employment of Country Boys Auction & Realty, as auctioneer, whose compensation shall be fixed at a rate not greater than the following:

REAL PROPERTY
10% on first \$25,000
4% on the balance

PERSONAL PROPERTY
20% on first \$20,000
10% on next \$50,000
4% on the balance

There are additional terms and conditions in the employment agreement between the estate and the auctioneer, which are detailed in the application before the Court. These terms include, inter alia, limitations on advertising and the responsibility of other costs as between the estate and the auctioneer. All terms and conditions of the proposed agreement shall be subject to final review by the Court, without further notice.

FURTHER NOTICE IS GIVEN that an objection to the proposed sale and/or compensation of the auctioneer may be filed with the Clerk, United States Bankruptcy Court, 1760-A Parkwood Blvd., Wilson, North Carolina 27893-3564, with a copy served on the Debtors whose name appears at the bottom of this notice, not later than October 19, 2011 at 5:00 p.m.. FURTHER NOTICE IS HEREBY GIVEN that if a response and a request for a hearing is filed by any parties in interest herein in writing within the time indicated, a hearing will be conducted on the objection on October 20, 2011, at 10:00 a.m., at the United States Bankruptcy Court, Courtroom, 300 Fayetteville St., 3rd Floor , Raleigh, NC 27601-1799. The party requesting the hearing shall appear at said hearing in support of such request or he may be assessed with the costs.

Dated: September 30, 2011

/S/Walter L. Hinson
Walter L. Hinson, Attorney for Trustee
State Bar #5664
HINSON & RHYNE, P.A.
P.O. Box 7479
Wilson, NC 27895
Telephone (252) 291-1746
Telecopier (252) 291-2521

EXHIBIT

tabbies

A

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TRACT NUMBER THREE [Godwin Place]:

PARCEL A: BEGINNING at a point in the center of the Benson-Coats Road, corner with J. E. McLamb and Gerald McLamb at a point where a ditch crosses said road, and runs thence as said ditch and as the line of J. E. McLamb, North 6 degrees 55 minutes East 443 feet and North 16 degrees East 220 feet; thence continuing as the line of J. E. McLamb, North 48 degrees East 135 feet and North 28 degrees East 272 feet to a stake, corner with J. E. McLamb in line of Estel McLamb; thence as the line of Estel McLamb, South 83 degrees 40 minutes East 104 feet to a stake, another corner with Estel McLamb; thence continuing as the line of Estel McLamb, North 5 degrees 20 minutes East 175 feet to an iron stake, corner with C. C. Canaday Estate lands in line of Estel McLamb; thence as the line of C. C. Canaday Estate lands, South 86 degrees 47 minutes East 750.5 feet to a stake, corner with Lot No. 1 in this division in line of C. C. Canaday Estate lands; thence as the line of Lot No. 1 in this division, South 7 degrees 31 minutes West 1208.6 feet to the center of the Benson-Coats Road, said point being a corner with Lot No. 1 in the line of Lot No. 3 in this division; thence as the center of said road and as the line of Lot No. 3 and continuing as the line of Gerald McLamb, North 85 degrees 10 minutes West 1061 feet to the point of beginning, containing twenty-six and five-tenths (26.5) acres, more or less and is the same as Lot No. 2 according to a map of the division of the "Denning Brothers Farm" prepared by W. J. Lambert, Registered Surveyor, dated January 9, 1962.

PARCEL B: Beginning at a point in the center of the public road where a ditch crosses said road, said point being a corner with Lot #3 in a division of the "Denning Brothers Farm" according to a map of said division prepared by W. J. Lambert, Registered Surveyor, dated January 9, 1962 in line of Gerald McLamb and runs thence as the said ditch and as the line of Lot #3, South 26 degrees East 360 feet; South 30 degrees East 100 feet; South 48 degrees East 100 feet; South 46 degrees East 209 feet; and South 26 degrees 45 minutes East 477 feet to a stake, another corner with Lot #3 in this division in line of Arthur D. Moore; thence as the line of Arthur D. Moore, North 84 degrees 34 minutes West 735 feet to a point in the center of the public road; thence as the center of public road and as the line of Herbert Lee, North 4 degrees 12 minutes East 976 feet to the point of beginning, containing eight and three-tenths (8.3) acres, more or less as shown on a map of the division of the "Denning Brothers Farm" prepared by W. J. Lambert, Registered Surveyor, dated January 9, 1962.

PARCEL C: Beginning at a stake in line of J. H. Levinson, said stake being located South 8 degrees 11 minutes West 366 feet from an iron stake marking original corner with J. H. Levinson lands in line of C. C. Canaday Estate lands, said stake being a new corner with Lot No. 1 in the division of the "Denning Brothers Farm" according to a map of said division prepared by W. J. Lambert, Registered Surveyor, dated January 9, 1962, and runs a new line with said Lot No. 1, North 86 degrees 47 minutes West 313.2 feet to a stake, another corner with Lot No. 1 in this division; thence as the line of Lot No. 1, South 6 degrees 23 minutes West 440 feet to a stake, corner with Lot "B" in this division in line of Lot No. 1; thence as the line of Lot "B", South 86 degrees 47 minutes East 299.2 feet to a stake, another corner with Lot "B" in line of J. H. Levinson; thence as the line of J. H. Levinson, North 8 degrees 11 minutes East 440 feet to the point of beginning, containing three and one-tenth (3.1) acres, more or less, and is the same as Lot No. "A" in a division of the "Denning Brothers Farm" according to map prepared by W. J. Lambert, Registered Surveyor, dated January 9, 1962.

The above tracts of land are a part of those lands conveyed to Deleon Hunter Denning, Willis Creech Denning and Joseph Edward Denning by deeds recorded in Book 555, page 244, and Book 565,

CERTIFICATE OF MAILING

I, Heather O'Briant, of the law firm of Hinson & Rhyne, P.A., of P. O. Box 7479, Wilson, North Carolina, certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age:

That on September 30, 2011, I mailed a copy of the foregoing **NOTICE OF PROPOSED PUBLIC SALE, NOTICE OF COMPENSATION OF AUCTIONEER**, by depositing copies thereof in the United States mail, first class mail, postage prepaid, in an envelope addressed as shown below.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: September 30, 2011

/S/ Heather O'Briant
Heather O'Briant, Legal Assistant
Hinson & Rhyne, P.A.
P. O. Box 7479
Wilson, NC 27895-7479
Telephone (252) 291-1746
Telecopier (252) 291-2521

RECIPIENTS:

Bankruptcy Administrator
P. O. Box 3758
Wilson, NC 27894-3758

Attached Matrix

Joe & Barbara Denning
1431 Denning Rd
Benson, NC 27504
AgCarolina Financial

Ann Barbour
301 Carolyn Dr
Benson, NC 27504
Belk-GEMB

Attn: Jack Hayes
PO Box 1847
Wilson, NC 27894

Central Marketing
Agent for Phillip Morris
PO Box 148
Smithfield, NC 27577

Clinton Truck & Tractor
Attn: Managing Agent
107 Northeast Blvd
Clinton, NC 28328

Cross Creek Seed, Inc
Attn: Managing Agent
2000 Vass Rd
Raeford, NC 28376

Diversified Crop Insurance Serv
1091 N Dockweiler Rd
Cordele, GA 31015

Don Johnson
200 Pine St
Benson, NC 27504

Elsie F. Holmes
5197 NC 50 N
Benson, NC 27504

Farm Plan
Attn: Managing Agent
PO Box 6600
Johnston, IA 50131

Four Oaks Bank & Trust
Attn: Managing Agent
PO Box 309
Four Oaks, NC 27524

Attn: Managing Agent
PO Box 536616
Atlanta, GA 30353-8616

Attn: Bankruptcy Dept
PO Box 103104
Roswell, GA 30076
Beltwide, Inc

Capital One
PO Box 30285
Salt Lake City, UT 84730-0285

Central Propane Co, Inc
Attn: Managing Agent
PO Box 2428
Smithfield, NC 27577

CNH Capital America
Attn: Managing Agent
PO Box 0507
Carol Stream, IL 60132-0507

Danny Beasley
PO Box 787
Benson, NC 27504

Diversified Financial Svcs, LLC
Attn: Sheryl L
2120 South 72nd St, Ste 1500
Omaha, NE 68124

Douglas M Gurkins
PO Box 1903
Washington, NC 27889

Evelyn Godwin
1470 Tarheel Rd
Benson, NC 27504

First Citizens Bank & Trust Company
Attn: J. Barry Dumser
DAC 36, PO Box 6600
Raleigh, NC 27611-5187

FPC Financial, f.s.b
Attn: Managing Agent
PO Box 6600
Johnston, IA 50131

AGCO Finance
Attn: Managing Agent
PO Box 2000
Johnston, IA 50131

Attn: Managing Agent
8870 N Himes Ave
Tampa, FL 33614
BB&T

Carolyn Gilbert
1324 Ravenhurst Dr
Raleigh, NC 27615-5461

Chris Johnson
PO Box 444
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Crop Production Services
Attn: Managing Agent
8591 US HWY 421 S
Erwin, NC

Max Denning
1299 Denning Rd
Benson, NC 27504

Dixie-Denning Supply Co
Attn: Managing Agent
PO Box 517
Benson, NC 27504

Elizabeth Batson
c/o Oliver Carter, III, Esq
408 Market Street
Wilmington, NC 28401

Farm Credit Leasing Svcs Corp
Attn: James S. Livermon
PO Box 353
Rocky Mount

First National Equipment Financing
Attn: Sheryl L., Gross & Welch, PC
2120 S. 72nd St, Ste 1500
Omaha, NE 68124

Frank Lee Farms/William Frank Lee
Attn: Managing Agent
PO Box 148
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Geary Holland
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Greg & Blanche Honeycutt
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Helen Woodall
PO Box 128
Clayton, NC 27520

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19114-7346

Jean Moore
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Johnston Co Tax Administrator
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Smithfield, NC 27577

KOHL'S
Attn: Managing Agent
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Milwaukee, WI 53201-3043

Lisa Cobb
290 S Walden Pond RD
Benson, NC 27504

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Benson, NC 27504

Maurilla Sewares
101 Bayview Isle Dr
Islamorada, FL 33036

Mid Atlantic Power & Equipment
Attn: Managing Agent
PO Box 925
Dunn, NC 28334

GEO Erosion & Turf
Attn: Managing Agent
10791 Finch Ave East
Middlesex, NC 27557

Harnett Co Tax Collector
305 W Cornelius Harnet Blvd
Lillington, NC 27546

Helena Chemical Co.
Attn: Managing Agent
PO Box 280067
Columbia, SC 29228

Jackie Page
1980 Benson Hardee Rd
Benson, NC 27504

Jerry Allen
1426 Federal Rd
Benson, NC 27504

Judie H Wheeler
2612 NC 50 N
Benson, NC 27504

Lawson Products Inc. Georgia
c/o Lawson Products Inc
1666 E Touhy Ave
Des Plaines, IL 60018

M & F, LLC
Attn: Managing Agent
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Marilyn P Penny
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Medlin & Dorman, Inc
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Mildred B Atkinson
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Great Plains Acceptance Corp
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Attn: Managing Agent
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Severn, NC 27877

Neodak Seed
Attn: Managing Agent
1760 Stover Shop RD
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Neta L. Grady
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RABO Agrifinance
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Rooks Fertilizer & Sand
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TCF Equipment Finance
11100 Wayzata Blvd, Ste 801
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Benson, NC 27504

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New Bern, NC 28563-1654

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Des Moines, IA 50306-0336

Williamson Greenhouses
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revised 6-2-11